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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/555,376 | 08/25/2000 | Detlef Lauk | R.34623 | 2186 |

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EXAMINER

ADDISON, KAREN B

ART UNIT PAPER NUMBER

2834

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 09/555,376 | Applicant(s) LAUK ET AL. | |
| | Examiner Karen B Addison | Art Unit 2834 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/15/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-11,14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (3132366) in view Gutris (3707037).

Brooks disclose in fig.2 a electric motor comprising: gear housing (34) and a cup – shaped motor housing (11) that is slipped with an open edge (A) onto the gear housing and fixed there on. Brooks do not disclose a metal housing roller-burnish in to a metal gear housing.

Gutris discloses in fig.1-7 a motor housing (11) that is slipped with the end housing (14). Wherein, the end housing (14) has an angular groove (32) into which an encompassing annular bead (30) and radial shoulder (34) is remote from the housing, which is

Art Unit: 2834

engaged from behind by an annular collar (c) bent inward from the motor housing for the purpose of improving both retention and sealing. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the electric motor of Brooks with the end housing of Gutris for the purpose of improving the transfer of heat between the two housings and eliminating the need for fasteners.

3. Claims 12-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks in view of Gutris as applied to claims 8-11 and 14-17 above, and further in view of Bayha (4694211).

As seen in paragraph 2, Brooks discloses an electric motor and Gutris discloses a metal housing slipped with an open edge on to the end housing and fixed thereon. However, neither Brooks nor Gutris discloses a motor housing comprising: a stator which comprises a short circuit ring and permanent magnet segments secured to it, an encompassing, angular chamfer slip with positive engagement until an annular end face meets a radial leg face of the chamfer.

Bayha discloses in fig. (1) an electric motor comprising a motor housing (10) enclosing a stator and a short circuit ring (16) secured to the permanent magnets (17). Wherein, an encompassing angular chamfer (B) is slipped with positive engagement until the annular end face meets a radial leg face (16b) of the chamfer (B) for the purpose of preventing the permanent magnets from being damaged. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

Art Unit: 2834

electric motor of Brooks with the end housing of Gutris and the short circuit ring of Bayha for the purpose of improving both retention and sealing of housing.

Referring to claims 8-11,15-17, no patentable weight has been given to the Method of manufacturing limitations (i.e. roller burnishing) since "even though product-by-process claims are limited by and defined by process, determination of patentability is based on the product itself. The patentability of a product does not depend on it's method of production. If the product in the product- by – process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process."

In re Thorpe, 777 F2d 695, 698,227, USPQ 964,966 (Fed.Cir. 1995).

Response to Arguments

4. Applicant's arguments with respect to claim 8-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen B Addison whose telephone number is 703-306-5855. The examiner can normally be reached on 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1317. The fax phone numbers

Art Unit: 2834

for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

KBA
October 19, 2002

A handwritten signature in black ink, appearing to be "John Lee", written in a cursive style.